

FISCAL NOTE

Bill #: SB0317

Title: Increase fines for DUI

Primary Sponsor: Wheat, M

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
State Special Revenue	\$397,144	\$529,525
Revenue:		
General Fund	\$128,766	\$171,688
State Special Revenue	\$397,144	\$529,525
Net Impact on General Fund Balance:	\$128,766	\$171,688

<input checked="" type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input type="checkbox"/> Significant Long-Term Impacts
<input checked="" type="checkbox"/> Dedicated Revenue Form Attached	<input checked="" type="checkbox"/> Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

Department of Justice

1. Based on 2002 information, a total of 4,090 driver control actions were taken on 1st offense DUI/BAC convictions, 733 on 2nd offense, and 315 on 3rd offense.
2. Assuming fines under current law average \$175 for 1st offenses, \$400 for 2nd offenses, and \$750 for 3rd offenses, approximately \$1,245,200 has been generated annually.
3. Fifty percent or \$622,600 would have been deposited in the state general fund and 50 percent would have been distributed to the county general fund. (\$1,245,200/2=\$622,600)
4. Assuming fines under this bill would average \$300 for 1st offense, \$700 for 2nd offense, and \$1,200 for 3rd offense, approximately \$2,118,100 would be generated annually for an increase of \$872,900 per year. (\$300 x 4,090=\$1,227,000) + (\$700 x 733= \$513,100) + (\$1,200 x 750=\$378,000)= \$2,118,100
5. Of the total, 25 percent or \$529,525 would be deposited in a state special revenue account for assessment, education, and treatment programs. The remaining amount of \$1,588,575 would be distributed equally between state general fund and the county general funds.
6. Assuming that revenues from the fines are evenly distributed throughout the year, the 10/1/03 effective date of this bill would result in a 25 percent reduction in annual revenue for FY 2004.
7. There is no fiscal impact to the Judicial Branch or the Department of Revenue.

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(continued)

Department of Public Health and Human Services

8. The Department of Justice currently collects the DUI fine proceeds, and deposits them through the Department of Revenue.
9. The bill states that the revenues are to be used to fund residential alcohol treatment programs under 61-8-731(2), MCA, which is a Department of Corrections requirement. It is assumed DPHHS will transfer funds to the Department of Corrections.
10. The bill, in part, states that revenues are to be used to fund chemical dependency assessment and chemical dependency education courses under 61-8-732, MCA, which requires the defendant to pay the cost of these services. There currently are no costs to DPHHS.
11. All of the funds received by DPHHS will be transferred to the Department of Corrections.

FISCAL IMPACT:

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Department of Justice		
Program 12-Motor Vehicle Division		
<u>Revenues:</u>		
General Fund (01)	\$128,766	\$171,688
State Special Revenue (02) DPHHS	\$397,144	\$529,525
Department of Public Health and Human Services		
<u>Expenditures:</u>		
Transfers	\$397,144	\$529,525
Department of Corrections DUI WATCH Pgm 02		
<u>Expenditures:</u>		
Operating Expenses	\$397,144	\$529,525
<u>Funding of Expenditures:</u>		
State Special Revenue (02)	\$397,144	\$529,525
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	\$128,766	\$171,688
State Special Revenue (02)	\$0	\$0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Revenues to the county general funds will increase by approximately \$343,374 over the biennium.

TECHNICAL NOTES:

1. The bill allocates funds to DPHHS for residential alcohol treatment programs under Section 61-8-731(2), MCA. This section refers to a Department of Corrections program. It is not clear how DPHHS is to be involved in providing residential treatment services or whether the intent is to fund the DOC alcohol treatment program.
2. The bill allocates funds to DPHHS for chemical dependency assessment and chemical dependency education courses under 61-8-732, MCA. Defendants currently pay for these services. It is not clear how DPHHS would use these funds.